

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV66-C**

THE ATTIC TENT, INC.

Plaintiff,

v.

**JERRY L. COPELAND and
PROGRESSIVE ENERGY
SOLUTIONS, INC.**

Defendants.

ORDER

THIS MATTER is before the Court on the “Plaintiff’s Motion to Strike” (document 34) and “Brief in Support ...” (document 35), both filed May 30, 2006; and Defendants’ “Response in Opposition ...” (documents 39 and 40) filed June 16 and 19, 2006, respectively.

On June 27, 2006, Plaintiff filed its “Reply ...” (document 47).

On June 29, 2006, Defendants requesting consent from Plaintiff for Leave to File Sur-Reply to Plaintiff’s Motion to Strike. Plaintiff orally consented. Defendants memorialized Plaintiff’s consent in an e-mail dated June 29, 2006 (Exhibit A).

Having considered the request, the undersigned will grant Defendants’ Motion for Leave to File Sur-Reply to Plaintiff’s Motion to Strike. The period for filing Defendants’ Sur-Reply expires at the end of July 7, 2006.

NOW, THEREFORE, IT IS ORDERED:

1. Defendants’ Motion for Leave to File Sur-Reply to Plaintiff’s Motion to Strike is **GRANTED**.

2. The Clerk is directed to send copies of this Memorandum and Order to counsel for the parties; and to the Honorable Robert J. Conrad., Jr.

SO ORDERED.

Signed: June 30, 2006

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

